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## **STATEMENT OF NY/NJ BAYKEEPER, NATURAL RESOURCES DEFENSE COUNCIL, IRONBOUND COMMUNITY CORPORATION AND HACKENSACK RIVERKEEPER ON THE ANNOUNCEMENT OF INITIAL CLEANUP IN THE PASSAIC RIVER**

"While this is an important first step, we must not lose sight of the ultimate goal, which is the complete cleanup of the Passaic River and Newark Bay," said Debbie Mans, Executive Director, NY/NJ Baykeeper. "Tierra Solutions must not be allowed to use this settlement as a diversionary tactic to steer resources away from the more comprehensive cleanup demanded by public health and safety concerns."

"After decades of delay and obfuscation, Tierra has finally agreed to begin a cleanup of highly toxic dioxins from the river" said Larry Levine, attorney at Natural Resources Defense Council. "But today's announcement covers only a small fraction of the toxic stew that remains spread through much of the river. EPA must hold the polluters responsible for a full cleanup and restoration of the river, and should not allow today's announcement to delay its schedule for adopting a more comprehensive cleanup plan early next year."

"The Ironbound Community Corporation has long had a vision of the Passaic River remediated and restored with upland parks and open space for all area residents and visitors," said Joseph Della Fave, Executive Director, Ironbound Community Corporation. "We concur that this action is a first step in the process, but it does not relieve Tierra of its full responsibilities for River clean-up. We encourage the USEPA to continue with plans for Early Action which will clean up the lower eight miles of the Passaic River."

"This dioxin has cut off from the public the resources of the Passaic River and Newark Bay," said Captain Bill Sheehan, Hackensack Riverkeeper. "The minute amount of contaminated sediment that will be removed will not make the fish edible or the water swimmable."

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The Environmental Protection Agency, Region 2 (EPA) had previously committed to releasing a Final

Feasibility Study (FFS) on the cleanup of the lower eight miles of the Passaic River in September 2008. EPA further committed to issuing a Record of Decision (ROD) in early 2009, following a 60-day public comment period on a proposed cleanup plan.

As of May 2008, all of the options EPA had under consideration involved removing and/or “capping” (i.e., covering permanently with clean material) the entire lower eight miles of the river, up to its mouth at Newark Bay. That portion of the river has long been identified as the most highly contaminated portion of the river and EPA first declared it a Superfund Site in 1992. Because the river’s tidal action moves sediments both downstream and upstream, EPA’s analyses have found dioxins and other toxic pollutants to be spread fairly evenly within the 8-mile area , regardless of distance from the Diamond Alkali plant at Lister Avenue in Newark.

The entire Superfund Site includes the remaining tidal portion of the river, up to the Dundee Dam, as well as Newark Bay, which sits at the mouth of the river.

In November 2003, NRDC, NY/NJ Baykeeper, and Hackensack Riverkeeper announced plans to sue Occidental Chemical Corp., the company responsible for the defunct Diamond Alkali plant at Lister Avenue, to force a cleanup of Newark Bay. In February 2004, EPA determined that pollution in the Bay posed an “imminent and substantial” risk to human health and the environment and added the Bay to the Superfund site. In 2006, EPA released a “Community Involvement Plan” calling for “active and open public involvement” in the study and cleanup of the Passaic River/Newark Bay Superfund Site.

Tierra Solutions is the legal entity that manages Occidental Chemical Corporation’s environmental liability at the Superfund Site. Occidental is the successor corporation to Diamond Alkali.

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